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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE LARRY ALAN BURNS)

UNITED STATES OF AMERICA,) Case No. 14-CR-1308-LAB

Plaintiff, } Date: June 9, 2014
 } Time: 2:00 p.m.

**Rufino PERALTA-SANCHEZ,
Defendant.** } **Notice of Motion and Motion to
Dismiss Count 2 of the Indictment
Pursuant to 8 U.S.C. § 1326(d)**

TO: **LAURA E. DUFFY**, United States Attorney;
MICHELLE L. WASSERMAN, Assistant United States Attorney.

PLEASE TAKE NOTICE that on June 9, 2014, or as soon thereafter as counsel may be heard, the Defendant Rufino Peralta-Sanchez, by and through his attorneys, Samuel L. Eilers, Matthew C. Binninger, and Federal Defenders of San Diego, Inc., will move this Court to enter an order granting the following motion.

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MOTION

Rufino Peralta-Sanchez, by and through counsel, Samuel L. Eilers, Matthew C. Binninger, and Federal Defenders of San Diego, Inc., respectfully moves this Court pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law, and local rules for an order to:

Dismiss Count 2 of the Indictment Pursuant to 8 U.S.C. § 1326(d).

This motion is based upon the instant motion and notice of motion, the attached statement of facts and memorandum of points and authorities, the files and records in the above-captioned matter, and any and all other materials that may come to this Court's attention prior to or during the hearing of this motion.

Respectfully submitted,

Dated: May 27, 2014

s/ *Samuel L. Eilers*
SAMUEL L. EILERS
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Peralta-Sanchez
Samuel_Eilers@fd.org

CERTIFICATE OF SERVICE

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his information and belief, and that a copy of the foregoing document has been served this day upon:

Michelle L. Wasserman
Michelle.Wasserman@usdoj.gov

United States Attorneys Office
efile.dkt.gc2@usdoj.gov

Respectfully submitted,

Dated: May 27, 2014

s/ Samuel L. Eilers
SAMUEL L. EILERS
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Peralta-Sanchez
Samuel_Eilers@fd.org